IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

CRP.No. 1031 of 2007()

OS.790/2004 of PRL.M.C.,ERNAKULAM
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REVN. PETITIONERS: DEFENDANTS 1 TO 3
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1. SANTHA, AGED 52,W/OLATE T.R.RAJENDRAN
THOKOLOTH HOUSE,PALARIVATTOM,THAMMANAM P.O.,
EDAPALLY SOUTH VILLAGE, KANAYANNUR TALUK.

2. T.R.RAJEESH,AGED 26,
S/O.LATE T.R.RAJENDRAN
THOKOLOTH HOUSE,PALARIVATTOM,THAMMANAM P.O.,
EDAPALLY SOUTH VILLAGE, KANAYANNUR TALUK.

3. T.R.RESHMI,AGED 29,
D/O.LATE T.R.RAJENDRAN
THOKOLOTH HOUSE,PALARIVATTOM,THAMMANAM P.O.,
EDAPALLY SOUTH VILLAGE, KANAYANNUR TALUK.

BY ADV. SMT.AYSHA YOUSEFF
SMT.MOLLY JACOB
SRI.JOBI.A.THAMPI
SMT.T.V.SREEJA
SRI.M.KABANI DINESH

RESPONDENTS: PLAINTIFFS/4TH DEFENDANT
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1. T.S.SANTHOSH KUMAR,AGED 51,
S/O.LATE SUBRAMANIAN,
THOKOLOTH HOUSE,PALARIVATTOM,THAMMANAM P.O.,
EDAPALLY SOUTH VILLAGE, KANAYANNUR TALUK.

2. T.S.SANDHYA,AGED 48,
D/O.LATE SUBRAMANIAN,
THOKOLOTH HOUSE,PALARIVATTOM,THAMMANAM P.O.,
EDAPALLY SOUTH VILLAGE, KANAYANNUR TALUK.

3. T.S.SUBHA,AGED 43,
D/O.LATE SUBRAMANIAN,
THOKOLOTH HOUSE,PALARIVATTOM,THAMMANAM P.O.,
EDAPALLY SOUTH VILLAGE, KANAYANNUR TALUK.

4. CORPORATION OF COCHIN, REP. BY ITS
SECRETARY,CORPORATION OFFICE, COCHIN 11.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.Krishnan, J.

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C.R.P.No.1031 of 2007

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Dated this the 27th day of November, 2007.

ORDER

This Civil Revision Petition is preferred against the order of the Principal Munsiff's Court, Ernakulam whereby he had held that the plaintiffs in the suit are in a position to conduct the case by themselves and they are also having the mental capacity to ask somebody else to represent their case. The court below has conducted an enquiry and he was satisfied with their mental capacity to conduct the case. The court has conducted a formal enquiry as contemplated under Order 32 Rule 15 of C.P.C. which only requires the court to have the mental satisfaction that persons before the court are in a position to look after their own affairs regarding the conduct of the case. The parties were summoned and the court had conducted a formal enquiry. Therefore, at this stage this court cannot interfere with the subjective satisfaction recorded by the learned Munsiff.

2. The order does not suffer from any infirmities or perversity and therefore the revision petition is dismissed. Needless to say that when there is a finding in the petition filed under the Mental Health Act that can be brought to the notice of the court, which is trying this case.

M.N.Krishnan,
Judge.

ess 27/11